IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9818 OF 2004

Mr.Manubhai Hargovandas Patel .. Petitioner.
V/s.
Income Tax Appellate Tribunal at Mumbai & Others .. Respondents.

Mr.S.S. Jani for the petitioner.

Mr.R.V. Desai, senior counsel with Mrs.S.V. Bharucha for the respondents.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 19TH JANUARY, 2005.

P.C. :

1. Heard learned counsel for the petitioner and the learned counsel for respondent No.2.

2. By this petition, the petitioner is challenging the order dated 8th November, 2004 whereby the Income Tax Appellate Tribunal, Mumbai Bench had kept the appeal for final hearing on 11th November, 2004 and had also observed that till then no coercive measures for the recovery of the demand to be adopted by the department. It appears that in the meanwhile this petition has been filed. In view thereof, the Tribunal seems to have not proceeded with the hearing of the appeal.

3. Under these circumstances, we direct both the petitioner and the respondent No.2 to approach the Tribunal to take a fixed date of hearing to get the above appeal disposed of as expeditiously as possible preferably within a period of four weeks from today. During the period when the above appeal is pending, no coercive measures will be taken against the petitioner.

4. The writ petition stands disposed of in terms of this order.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)